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UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

UNITED STATES OF AMERICA,) No. CR 09-0958 SBA
Plaintiff,) REPORT AND RECOMMENDATION
v.) REGARDING GUILTY PLEA
ISAIAH MCGARY,)
Defendant.)

The magistrate judge recommends to the district judge that it accept defendant Isaiah McGary's guilty plea entered in open court on November 12, 2010. Specifically, the defendant pleaded guilty pursuant to a written plea agreement to count one of the indictment charging him with knowingly possessing a firearm, being a felon in possession of a firearm, and having been previously convicted of a felony in violation of 18 U.S.C. § 922(g)(1). The magistrate judge makes the following findings:

1. On the hearing date set forth above, with the assistance of counsel, the defendant waived his right to enter his guilty plea before a district judge and instead consented to enter his plea in a hearing in magistrate court. Specifically, the magistrate judge advised him that he had a right to plead guilty in district court and that under 28 U.S.C. § 636(b) and Federal Rule of Criminal Procedure 59, he could waive that right and consent to enter his plea in a plea hearing in magistrate court. The magistrate judge also advised him that it would issue a written report recommending that